

Patricia Lewis
#25/response
(N/E)
Expedited Procedure
Response After Final Rejection

PATENT

8.07.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: McClung, G.L. III

§

Serial No: 09/375,451

§

Art Unit: 3622

Filed: 08/17/99

§

Examiner: Alvarez, Raquel

For: Improvements To
Business System

§

Atty Docket No: GLM III

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AUG 07 2002

RESPONSE TO OFFICE ACTION MAILED 6/28/2002

GROUP 3600

Box AF
Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

This is a Response to the Office Action Mailed 6/28/2002.

Applicant respectfully submits that the cited reference, U.S. 6,249,772, does not teach or suggest the present invention as claimed in claims 38 - 54 (previously submitted) and that the rejections of claims under § 102 and § 103 should be withdrawn.

U.S. 6,249,772 does not teach or suggest monitoring a sales price of an item that is the subject of a consummated final transaction after the sale is completed.

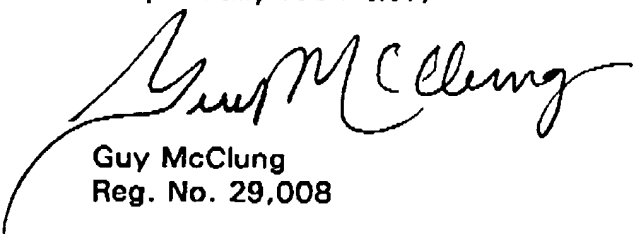
U.S. 6,249,772 deals with a method in which a consumer establishes a set price of an item (without completing a sales transaction) and then goes to a store to finalize and complete a sales transaction. If the system for the method notes that the actual store price at the time of the sales transaction is less than the previously-set established price, then the system can credit the consumer's account; but there is no after-sale monitoring of prices for the item — only a comparison at the time of the transaction of the pre-set price and the actual price .

U.S. 6,249,772 requires that the consumer actually go to a physical location to purchase an item. U.S. 6,249,772 neither teaches nor suggests the purchasing in a completed transaction of an item on-line as now claimed in Claim 40.

U.S. 6,249,772 neither teaches nor suggests subsequent refunds related to subsequent sales prices as now claimed in Claim 42. From the fact that U.S. 6,249,772 provides a one-time credit for a difference between a previously-set price and a store price at a time of purchase, it does not follow that refunds or rebates would be provided for subsequent sales price differentials; and no cited art provides the motivation to change U.S. 6,249,772 to include crediting an account as now claimed herein.

U.S. 6,249,772 neither teaches nor suggests any method involving sales incentives or refunds related to such incentives as now claimed in Claims 43 and 51. From the fact that it is old and well known to provide sales incentives and to duplicate others' incentives, it does not follow that the method of U.S. 6,249,772 can or would be changed to include future refunds for future sales incentives. No cited art provides the motivation for thus changing U.S. 6,249,772.

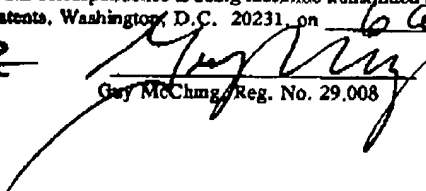
Respectfully submitted,


Guy McClung
Reg. No. 29,008

Date: 6 Aug 2002
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Phone No. 703 872 9327 to Examiner Alvarez to: Box AF, Assistant Commissioner For Patents, Washington, D.C. 20231, on 6 Aug 02.

Date: 6 Aug 02

Guy McClung, Reg. No. 29,008

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with sufficient postage as first class U.S. mail with the United States Postal Service in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on 6 Aug 02.

Date: 6 Aug 02

Guy McClung, Reg. No. 29,008u

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COMMENT: CONFIDENTIAL

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